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In re Application of	:	
BOUMAZA et al.	:	
Application No.: 10/588,119	:	DECISION
PCT No.: PCT/FR2005/000375	:	
Int. Filing Date: 17 February 2005	:	
Priority Date: 17 February 2004	:	
Attorney Docket No.: RFR0146	:	
For: METAL AND PLASTIC COMPOSITE	:	
STRUCTURE IN PARTICULAR FOR THE FRONT	:	
FACE OF A MOTOR VEHICLE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 26 September 2007 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 17 February 2005, applicants filed international application PCT/FR2005/000375, which designated the United States and claimed a priority date of 17 February 2004. A copy of the international application was communicated from the International Bureau to the USPTO on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 August 2006.

On 01 August 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 26 September 2007, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, the surcharge under 37 CFR 1.492(h), a declaration of facts by David LaPrairie, a copy of a letter from Mr. LaPrairie to non-signing inventor Francois Boumaza, and a copy of tracking results for a Federal Express package.

### **DISCUSSION**

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. A communication was delivered to Mr. Boumaza on 14 September 2007. As of the date of the filing of the petition, Mr. Boumaza had not responded to the 14 September 2007 communication. However, there does not appear to have been any follow-up, either by letter or by phone, with Mr. Boumaza regarding the communication. Mr. Boumaza could have received the documents and simply forgotten about them. Follow-up to the 14 September 2007 communication is required to establish a refusal to sign.

### **CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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